

Atty Dkt. No.: LHE-015
USPN: 09/844,929

REMARKS

Claims 1-6 and 8-27 are pending.

Claims 1-6 and 8-27 were examined.

Claims 1-4, 8-15 and 17-27 were rejected.

Claims 5, 6 and 16 were objected to.

Claims 1, 5 and 6 have been canceled. The cancellation of claims 1, 5 and 6 is made without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. The Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 5 and 6 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims, as newly added claims 28 and 29 respectively.

Claims 2-4, 8, 11, 13-16 and 27 have been amended to depend from claim 28. Claims 17, 21 and 24 have been amended to include the subject matter of claim 5. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as acquiescence to any objection or rejection of any claim and without intent to surrender any subject matter encompassed by the originally filed claims (i.e., the pre-amended claims). The applicants expressly reserve the right to pursue any subject matter encompassed by the originally filed claims in one or more continuation and/or divisional applications.

Claims 28-38 have been added as new. Claims 36, 37 and 38 are analogous to claims 17, 21 and 24, respectively, but which include the subject matter of claim 6.

No new matter is added. Accordingly, the Applicants respectfully request entry of the amendments.

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 2-4, 8-38, the only claims pending in this application.

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REJECTION UNDER 35 U.S.C. §102(a)

Claims 1-4, 8-12, 15, 17-20, 24 and 27 have been rejected under 35 USC §102(a) as being anticipated by Maxwell et al. (US 6,325,917 B1). As described above, independent claim 1 has been cancelled and claims 3-4, 8-12, 15 and 27 have been amended to depend from newly added independent claim 28. Independent Claim 28 represents cancelled claim 5 rewritten in independent form including all of the limitations of the base claim and any intervening claims, which was indicated by the Examiner to be allowable. Analogous amendments have been made to claims 17 and 24. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

REJECTION UNDER 35 U.S.C. §103(a)

Claim 13 has been rejected under 35 USC §103(a) as being unpatentable over Maxwell et al. (US 6,325,917 B1). For reasons analogous to those described above, i.e., claim 13 has been amended to depend from newly added claim 28 which the Examiner has indicated as allowable, the Applicants respectfully request that this rejection be withdrawn.

Claim 14 has been rejected under 35 USC §103(a) as being unpatentable over Maxwell et al. (US 6,325,917 B1) in view of Hodges et al. (WO 97/18464). For reasons analogous to those described above, i.e., claim 14 has been amended to depend from newly added claim 28, the Applicants respectfully request that this rejection be withdrawn.

Claims 21, 23, 25 and 26 have been rejected under 35 USC §103(a) as being unpatentable over Maxwell et al. (US 6,325,917 B1) in view of Leader et al. (US 5,421,981). As describe above, independent claim 21, from which claim 23 depends, and independent claim 24, from which claims 25 and 26 depend, has been amended to include all the limitations of canceled claim 5. Accordingly, for reasons analogous to those described above, the Applicants respectfully request that this rejection be withdrawn.

Claim 22 has been rejected under 35 USC §103(a) as being unpatentable over Maxwell et al. (US 6,325,917 B1) in view of Leader et al. (US 5,421,981) and in further view of Guruswamy et al (US 5,004,583). Claim 22 depends from claim 21 which has been amended to include all the limitation of cancelled claim 5. Accordingly, for reasons analogous to those described above, the Applicants respectfully request that this rejection be withdrawn.

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ALLOWABLE SUBJECT MATTER

Claims 5, 6 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims. The Applicants thank the Examiner for the indication of allowability. Accordingly, Claims 5 and 6 have been cancelled and have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as newly added claims 28 and 29 respectively. Claim 16 has been amended to depend from claim 18.

Conclusion

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, Order No. LIFE015.

Respectfully submitted,
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Date: 11/7/03

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